

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

CITY COUNCIL MEETING

TUESDAY, APRIL 11, 2017 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Dr. William D. Tyree, III, Pastor, First Baptist Church, Berkley, followed by the Pledge of Allegiance.

The following members were present: Ms. Graves, Ms. Johnson, Mr. Riddick, Mr. Smigiel, Mr. Thomas, and Mr. Alexander.

Mayor Alexander moved to excuse Dr. Whibley and Ms. McClellan from today's meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

Mayor Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander

No: None.

CEREMONIAL MATTER

Mayor Alexander read a proclamation proclaiming the month of **April, 2017 as Child Abuse Prevention Month.**, Pam Wong, Family Services Supervisor, accepted the Proclamation and addressed council on the issue of child abuse prevention and thanked them for the proclamation.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to amend and reordain the title of Section 14.1-11, Zion Grace Precinct, **SO AS TO** change the name of the precinct to Second Presbyterian Precinct; to amend Subsection 14.1-74 (1) **SO AS TO** change the name of the precinct **from Zion Grace Precinct to Second Presbyterian Precinct**; to amend Section 14.1-77 **SO AS TO** change its name to Second Presbyterian Precinct and change the location of its voting place.

Thereupon, an Ordinance entitled, “An Ordinance amend and reordain the title of Section 14.1-11, Zion Grace Precinct, **SO AS TO** change the name of the precinct to Second Presbyterian Precinct; to amend Subsection 14.1-74 (1) **SO AS TO** change the name of the precinct **from Zion Grace Precinct to Second Presbyterian Precinct**; to amend Section 14.1-77 **SO AS TO** change its name to Second Presbyterian Precinct and change the location of its voting place,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to amend and reordain the title of Section 14.1-36, Bowling Park Precinct, **SO AS TO** change the name of the precinct to Broad Creek Precinct; to amend Subsection 14.1-75 (7) **SO AS TO** change the name of the precinct **from Bowling Park Precinct to Broad Creek Precinct;** to amend Section 14.1-102 **SO AS TO** change its name to Broad Creek Precinct and change the address of its voting place.

Thereupon, an Ordinance entitled, “An Ordinance amend and reordain the title of Section 14.1-36, Bowling Park Precinct, **SO AS TO** change the name of the precinct to Broad Creek Precinct; to amend Subsection 14.1-75 (7) **SO AS TO** change the name of the precinct **from Bowling Park Precinct to Broad Creek Precinct;** to amend Section 14.1-102 **SO AS TO** change its name to Broad Creek Precinct and change the address of its voting place,” was introduced and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting \$74,830 from the **Virginia Port Authority**, appropriating and authorizing the expenditure of \$74,830 for **Capital Port Improvements at Nauticus** and authorizing the expenditure of \$24,943 from previously-appropriated funds as local cash match.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting a \$8,529 FY16 **State Homeland Security Program Grant Award from the U.S. Department of Homeland Security Federal Emergency Management Agency** through the Virginia Department of Emergency Management and appropriating and authorizing the expenditure of the Grant Funds to purchase hazardous materials team equipment for the Department of Fire-Rescue.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-3

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit a billboard for “Adams Outdoor Advertising” on property located at **1200 North Military Highway**.

Steve Romaine, 999 Waterside Drive, attorney for the applicant and Brian Roeser, 5547 East Virginia Beach Boulevard, applicant were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-4

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit the operation of a day care home with up to twelve children known as “Bettina’s Blissful Home Daycare” on property located at **7400 Spartan Avenue**.

Bettina Myrick-Bergan, 7400 Spartan Avenue, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-5

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named “Cold Press II” on property located at **1902 Colley Avenue**.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-6

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as “Palm Gardens II” on property located at **5957 East Virginia Beach Boulevard, Suite 10**.

Robert Hucks, applicant, 724 Tapas Street Park Loop, Chesapeake, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-7

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit mixed uses on property located at **430 West 21st Street**.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-8

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit mixed uses on property located at **758 West 22nd Street**.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-9

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named “Sanctuary” on property located at **109 Addison Street**.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-10

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** to permit the construction of a Communication Tower (Commercial) on property located at **608 East Little Creek Road**.

ACTION: Continued on request of the applicant to May 23, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

C-11

Letter from the City Manager and an Ordinance entitled, An Ordinance accepting an additional amount of up to \$1,383,750 from the **Commonwealth of Virginia Children’s Services Act Program** for inclusion in the Fiscal Year 2017 **Children’s Services Act Pool Fund** and appropriating and authorizing the expenditure of an additional amount of up to \$461,250 in local matching funds from the Norfolk Department of Human Services Special Revenue Account for Fiscal Year 2017.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Foodbank of Southeastern Virginia, Inc.** to encroach into the right-of-way of **Tabb Street and Cooke Avenue** with a concrete pad,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal fifteen Subsections of Section 25-649, 654 and 656 of the *Norfolk City Code, 1979* **SO AS TO** add three new right turn on red prohibitions, ten new stop intersections, and one new street included in the prohibition regarding trucks of one and one-half tons,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City of Norfolk to enter into the **Hampton Roads Water Quality Credit Agreement for Chesapeake Bay Restoration** with the Hampton Roads Sanitation District,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in support of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the City by **Norfolk Redevelopment and Housing Authority** of the **Garage Unit of the Main Condominium,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing a First Amendment to Deed of Lease between the **City of Norfolk and 225 West Olney LLC** for property located at **225 West Olney Road** and authorizing the City Manager to execute the amendment on behalf of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

R-6

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend Section 33.1-39 of the Norfolk City Code, 1979 **SO AS TO** increase the limit from \$50,000.00 to \$100,000.00 for the procurement of goods and services other than professional services as small purchases, and, to \$60,000.00 for the procurement of professional services as small purchases,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the City by Norfolk Redevelopment and Housing Authority of the properties **MacArthur Center North Garage and MacArthur Center South Garage**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 11, 2017.

Yes: Graves, Johnson, Riddick, Smigiel, Thomas, and Alexander.

No: None.

NEW BUSINESS

1. Danny Lee Ginn, 3844 Dare Circle, commented that Rule 6 of the previous rules of conduct have been replaced by a new ordinance adopted by city council on March 21, 2017. Rule 6 is now Secion 5 – B and he believes council was not open or transparent when it adopted this ordinance.